



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

WILLIAM R. REETZ and RONALD R. TAYLOR

Dated: March 30, 2004

Serial No. : 09/990,472

Group No. 1732

Filed : November 20, 2001

Examiner: Mary Theisen

For : METHOD OF FORMING A THERMOACTIVE
BINDER COMPOSITE

MAIL STOP: FEE AMENDMENT

Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

REQUEST FOR RECONSIDERATION

Responsive to the first Office action, applicant requests favorable reconsideration and a Notice of Allowance based upon the following remarks and the accompanying Terminal Disclaimer. In the Office action, the Examiner rejected pending claims 26-44 and 46-53 based upon the judicially created doctrine of non-statutory double patenting. The accompanying Terminal Disclaimer overcomes that rejection.

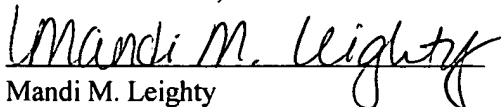
With respect to prior-art-based rejections, the Examiner rejected claims 26-44 and 46-53 under 35 U.S.C. § 102(a) based upon U.S. Patent No. 5,380,180 to Lamb, Sr. In addition, the Examiner made § 102(b) rejections of: (1) claims 26-44 and 46-53 based upon U.S. Patent No. 3,718,536 to Downs et al. or U.S. Patent No. 4,812,283 to Farley et al. or GB 2004809; (2) claims 26-31, 33-36, 38-49 and 51-53 based upon U.S. Patent No. 5,096,945 to Sun; and (3) claims 26-47 based upon U.S. Patent No. 5,106,438 to Nopper et al. or U.S. Patent No. 4,978,489 to Radvan et al.

Applicant acknowledges that each of the above-identified patents appears to disclose a composite material with apparently heat-responsive binder material. However, applicant disagrees that any of the composites described in the applied references show or suggest the invented thermoactive binder composite covered by the pending claims, which thermoactive binder composite exhibits the superior physical properties described in Exhibits A-D of the Rule 132 Declaration of William R. Reetz which applicant previously filed in connection with this application on May 22, 2003. Nowhere in any of the applied references is there an identification of the following physical properties of the described composites: (1) thermatron thickness swell; (2) moisture response; (3) what are known as "ultimate" test values corresponding to bending strength (MOR) and bending stiffness (MOE); and (4) what is known as "fastener withdrawal numbers".

Because none of the applied references describes the above superior physical properties obtained in tests of product made according to the invention recited in the pending claims, applicant urges the Examiner to allow all pending claims. Accordingly, applicant respectfully requests favorable reconsideration and issuance of a Notice of Allowance.

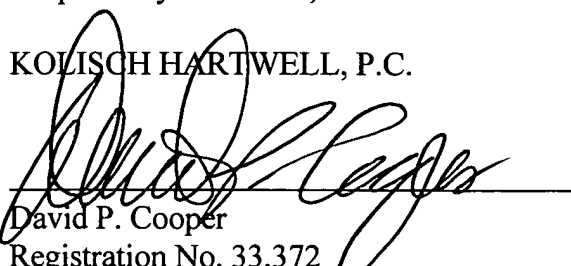
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP: FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on March 30, 2004.


Mandi M. Leighty

Respectfully submitted,

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